

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MICHAEL GAY**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:21-cv-272-LG-RPM**

**AEGIS SECURITY INSURANCE  
COMPANY**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

**BEFORE THE COURT** are the [14] Report and Recommendations entered in this matter by Magistrate Judge Robert P. Myers, Jr. on March 20, 2023, in which he recommends that the [12] Joint Motion to Stay Proceedings and for Appointment of Umpire filed by the parties be granted. For reasons set forth more fully below, the Court adopts the Report and Recommendations in full and grants the [12] Joint Motion.

On August 19, 2021, Plaintiff, Michael Gay, brought this action against Aegis Security Insurance Company (“Aegis”), arising out of the latter’s alleged gross mishandling of an insurance claim related to smoke, water and fire damage to Plaintiff’s residence. (Compl. ¶ 4, ECF No. 1). On March 10, 2023, the parties filed a [12] Joint Motion to Stay Proceedings and for Appointment of Umpire. In the Motion, the parties state that they “are endeavoring to resolve this matter through the appraisal process” and require “an order staying this litigation until such time as the appraisal of the loss and damage to Plaintiff’s residence has been completed.” (Joint Mot. ¶¶ 2-3, ECF No. 12). They also request that the Court “appoint a

competent and impartial umpire so that the appraisal can proceed expeditiously.” (*Id.* ¶ 4).

On March 20, 2023, the Magistrate Judge issued the instant [14] Report and Recommendations, in which he notes that the parties have discussed a desire to resolve this case by appraisal and have invoked an appraisal clause in the subject insurance policy. The Magistrate Judge finds that the Motion should be granted and recommends that the case be stayed pending completion of the appraisal and that David W. Mockbee, President of Mockbee Hall & Drake, P.A., in Jackson, Mississippi, be appointed as appraisal umpire in this dispute. The Court finds that Mr. Mockbee is qualified to act as the umpire in this appraisal and should be designated as such. Hence, the [12] Joint Motion should be granted, and the [14] Report and Recommendations should be adopted in full.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [14] Report and Recommendations are **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the [12] Joint Motion to Stay Proceedings and for Appointment of Umpire is **GRANTED**. David W. Mockbee of Mockbee Hall & Drake, P.A., is hereby **APPOINTED** the umpire for this appraisal.

**SO ORDERED AND ADJUDGED** this the 21<sup>st</sup> day of March, 2023.

*sl Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE